IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2981 OF 2005

Mr.Sarmat Khalil Baig @
Kalu Hamam .. Petitioner
V/s
Shri.A.N.Roy,
Commissioner of Police,
Gr.Bombay & Ors. .. Respondents

Mr.S.V.Marvadi with Mr.Prakash Naik for the Petitioner.

Mr.S.R.Borulkar, Public Prosecutor with Mr.D.S.Mhaispurkar, APP for the Respondents.

CORAM : B.H.MARLAPALLE & NARESH H.PATIL,JJ.
DATE : 29th September, 2006.

P.C.:

1. Pursuant to the impugned order of detention the petitioner was taken in custody on 29.9.2005 and the detention period of one year has expired on 28.9.2006 and thus this petition has become infructuous.

2. This is the second petition we are disposing off as infructuous. The petitions challenging the detention orders passed under the Central Acts as well as the State Acts are required to be decided on priority basis, more so because of the guarantee provided under Articles 21 and 22 of the Constitution and therefore while granting Rule normally Rule is made returnable within six to ten weeks and same is the case in this case. In this case the Rule was granted on 19.12.2005 and was made returnable after eight weeks. The Petition ought to have reached the final hearing sometime in February,

2006, however, it came up before us now for the first time and that when the challenge in the petition has become infructuous.

3. Looking at the pendency of the Writ Petitions challenging the detention orders passed under various statutes, it appears to us that the High Court Administration, through the Registrar General will have to take appropriate steps to ensure that such petitions are listed for final hearing as per the orders passed in such petitions while admitting the petitions.

4. Petition is disposed off as infructuous.

(NARESH H.PATIL,J.) **(B.H.MARLAPALLE, J.)**